

RER  
02/09/06  
Item #5

**AN ORDINANCE 2006-02-09-0172**

**AMENDING CHAPTER 19 OF THE SAN ANTONIO CITY CODE IN THE INTEREST OF SAFETY TO PROHIBIT THE OPERATION OF MOTOR ASSISTED SCOOTERS, NEIGHBORHOOD ELECTRIC VEHICLES AND POCKET BIKES OR MINIMOTORBIKES ON STREETS, HIGHWAYS AND SIDEWALKS; TO PROHIBIT THE OPERATION OF POCKET BIKES OR MINIMOTORBIKES IN CITY PARKS; TO PROHIBIT MOTOR ASSISTED SCOOTERS IN CITY PARKS EXCEPT WHERE PERMITTED BY SIGN; TO PROHIBIT THE OPERATION OF ANY VEHICLE REGULATED UNDER THIS ORDINANCE BY A PERSON UNDER 21 YEARS OF AGE NOT WEARING A HELMET OR BY A CHILD NOT UNDER DIRECT SUPERVISION OF A PARENT; AND TO PROHIBIT THE OPERATION OF ANY MOTOR ASSISTED SCOOTER ALTERED FROM THE ORIGINAL MANUFACTURER'S DESIGN; AND PROVIDING FOR CRIMINAL FINES FOR VIOLATION OF THIS ORDINANCE.**

\* \* \* \* \*

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of motor assisted scooters, neighborhood electric vehicles and pocket bikes or minimotorbikes on the streets, sidewalks and highways in San Antonio; and

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of neighborhood electric vehicles and of pocket bikes and minimotorbikes in City parks and to regulate the use of motor assisted scooters in City parks; and

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of certain vehicles in the City by persons under 21 years of age who are not wearing a helmet and the operation of certain vehicles by children under 15 years of age who are not under the direct supervision of a parent; and

**WHEREAS**, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of any motor assisted scooter which has been mechanically altered from the original manufacturer's design; and

**WHEREAS**, Texas state law provides that a municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway or a motor assisted scooter on a sidewalk, street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, Texas state law does not authorize the operation of a pocket bike or minimotorbike on any highway, road, street, bicycle path or sidewalk, or the operation of a neighborhood electric vehicle on any sidewalk; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Chapter 19 of the San Antonio City Code is hereby amended by the addition of Section 294 providing the following:

(A) In this section, the following definitions apply:

(1) **MOTOR ASSISTED SCOOTER** means:

(a) A self-propelled device with:

- (1) at least two wheels in contact with the ground during operation;
- (2) a braking system capable of stopping the device under typical operating conditions;
- (3) a gas or electric motor not exceeding 40 cubic centimeters;
- (4) a deck designed to allow a person to stand or sit while operating the device; and
- (5) the ability to be propelled by human power alone; and

(b) does not include a pocket bike or minimotorbike.

(2) **NEIGHBORHOOD ELECTRIC VEHICLE** means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

(3) **POCKET BIKE OR MINIMOTORBIKE** means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code. The term does not include:

- (a) a moped or motorcycle;
- (b) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code;

- (c) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code;
    - (d) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code; or
    - (e) a neighborhood electric vehicle.
  - (4) **PROTECTIVE HEADGEAR** means headgear which meets the minimum safety standards for protective headgear used by motorcyclists in this state as adopted by the Texas Department of Transportation.
- (B) A person commits an offense if the person:
- (1) operates a motor assisted scooter, neighborhood electric vehicle or a pocket bike or minimotorbike on a street, highway or sidewalk;
  - (2) operates a neighborhood electric vehicle or a pocket bike or minimotorbike anywhere in a park;
  - (3) operates a motor assisted scooter in a park, unless on a designated park trail where the operation of such scooters is specifically authorized by sign;
  - (4) operates, if under 21 years of age, a motor assisted scooter, neighborhood electric vehicle or a pocket bike or minimotorbike unless wearing protective headgear;
  - (5) knowingly fails as a parent of a child or a guardian of a ward, to directly supervise the operation by a child or a ward under 15 years of age of a motor assisted scooter, neighborhood electric vehicle or pocket bike or minimotorbike; and
  - (6) operates a motor assisted scooter which has been mechanically altered from the original manufacturer's design;
- (C) A culpable mental state is not required, and need not be proved, for an offense under Subsection (B)(1), (2), (3), (4) or (6).

**SECTION 2.** Any person who engages in any activity specified in Subsection (B) (1), (2), (3), (5), and (6), above, commits a Class C misdemeanor and is subject to a fine not to exceed \$500.00.

**SECTION 3.** Any person who fails to wear protective headgear in violation of Subsection (B) (4) above, commits a Class C misdemeanor and is subject to a fine of not less than \$10.00 nor more than \$50.00.

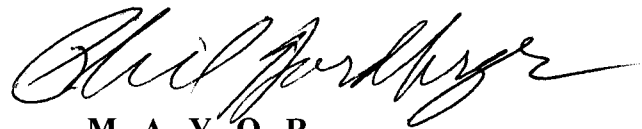
**SECTION 4.** Revenue generated by the ordinance is to be deposited into Fund 11001000, General Fund, Internal Order 203000000026, MUNICIPAL COURT FINES, General Ledger 4602100, Non Traffic Fines.

**SECTION 5.** The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 6.** The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter.

**SECTION 7.** This ordinance shall be effective on the fifth day after publication or on approximately February 24, 2006.

**PASSED AND APPROVED** on this the 9<sup>th</sup> day of February, 2006.

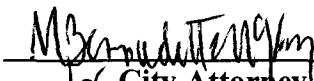


**M A Y O R**  
**PHIL HARDBERGER**

**ATTEST:**

  
City Clerk

**APPROVED AS TO FORM:**

  
for City Attorney

# Agenda Voting Results

**Name:** 5.

**Date:** 02/09/06

**Time:** 10:48:16 AM

**Vote Type:** Multiple selection

**Description:** An Ordinance amending Chapter 19 of the City Code to prohibit and regulate the operation of motor assisted scooters, neighborhood electric vehicles and pocket bikes or mini-motorbikes on streets, highways, sidewalks, and in parks; and providing for a criminal fine in an amount not to exceed \$500.00 per violation. [Presented by Albert A. Ortiz, Chief of Police, Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		